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LS 5-259a

OGC REVIEW COMPLETED

18 April 1955

MEMORANDUM FOR: Chief, Regulations Control Staff

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SUBJECT: Proposed [REDACTED], Travel Regulations,
Performance

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1. The concurrence sheet for [REDACTED] is returned unsigned since we perceive certain objections to the Regulation in its proposed form.

2. Our general comments are as follows:

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a. [REDACTED], General, in its draft form of December 1954, together with the transmittal letter of 14 December 1954, indicate that a series of 10 regulations under basic category [REDACTED] Travel, are planned, which will constitute the CIA Travel Regulations.

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[REDACTED], General, is the general regulation; [REDACTED] Performance, is the first of the contemplated series. Until [REDACTED] is finalized, [REDACTED] and our comments on it can be tentative only.

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b. Length of Regulations. [REDACTED] is in 20 single-spaced typed pages; [REDACTED] is in 19 pages. In addition, the Standardized Government Travel Regulations, which have been issued by the Bureau of the Budget in booklet form in 24 pages, also apply according to paragraph 1c of [REDACTED] notwithstanding that [REDACTED] restates a number of the provisions of the SGTs. When the additional eight regulations which are planned for [REDACTED] are issued, the volume may well reach several hundred pages. It is believed every effort should be made to shorten and simplify the regulations (this seems particularly necessary in view of the provisions of paragraph 2b, that the traveler in certain circumstances may be held liable for "excess cost incurred through failure to observe regulations"). To this end it might be well to:

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(1) draft and issue the [REDACTED] regulations as a single compact package;

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(2) omit duplicate and other unnecessary provisions;

(3) restate in the [REDACTED] all applicable provisions of the SGTs as are necessary and specifically provide that other provisions of the SGTs do not apply.

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c. Paragraph numbering becomes extremely complicated; e.g., there is at pages 6-13 a paragraph 6c(5)e(2)(d)(1). We suggest the use of Roman numerals and capital letters.

d. Throughout the Regulation such terms as "cost may be allowed", "travel may be allowed", "travel may be authorized", "entitled to the cost", "allowed", "allowed and paid", "shall", and "may" are used extensively and somewhat interchangeably. It is believed they are not always used consistently and accurately.

3. Our comments concerning specific paragraphs are as follows:

a. Paragraph 1a, page 1: This reference to [] is believed too narrow in that more than authorization provisions of [] apply. We suggest that it read:

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"a. This Regulation is one of the series to be issued in basic [] travel. Policy and general provisions are set forth in []"

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b. Paragraph 2c(2), page 3: This provision appears inconsistent with paragraph 6c(5)(c), page 11, where less than first class accommodations are allowed certain persons and dependents. Paragraph 2c(2) seems unnecessary in any event, since other provisions require direct routes and lowest first class facilities.

c. Paragraph 3, page 3: This paragraph is intended to prescribe the travelers' responsibilities. The Regulation, however, imposes numerous responsibilities not mentioned in paragraph 3. We suggest a subparagraph g, reading:

"g. See subparagraphs _____ for additional responsibilities of travelers."

d. Paragraph 4b(2), page 4: It is believed the intention of this subparagraph might be more clearly stated by the following suggested language:

"(2) If round trip tickets are not available for the authorized route at the time tickets are purchased, failure to purchase a round trip ticket, nevertheless, shall be deemed in compliance with subparagraph 4b(1) even though, by virtue of subsequent authorized changes in itinerary, return travel is over a route for which a round trip ticket could have been purchased."

e. Paragraph 4c, page 5: We suggest this subparagraph be simplified as follows:

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"c. If a traveler elects to travel by a means of transportation or by a route, or between places not authorized by a travel order, only the constructive cost of travel by the authorized means, route, and places shall be allowed or paid from Government funds. If the traveler utilizes a foreign vessel for his personal convenience, no Government funds shall be allowed or paid. This subparagraph applies to both employees and dependents, traveling together or separately."

f. Paragraph 5d, page 5: Since we believe that there might be reasons in addition to security which would justify a waiver here, we suggest that lines 2-4 be revised to read:

"b and c above when in their judgment the circumstances are so unusual as to clearly constitute good and sufficient reasons for doing so."

g. Paragraph 6, page 6: We suggest the word "his" be inserted following the word "submit" in line 4.

h. Paragraph 6a(1) and (2), page 6: To simplify and in order to avoid a conflict with the provision which denies a berth to children under five years of age, we suggest a rewrite as follows:

"(1) Travel orders shall be construed to authorize the use of first class accommodations unless they specifically provide otherwise. In this regard the facilities of air coach or tourist accommodations should be required when it is found that:

- "(a) such facilities are substantially equivalent to those provided by first class accommodations;
- "(b) the schedules of available flights permit travel within departure and arrival time;
- "(c) travel by other than first class flights is operationally feasible; and
- "(d) the employee and his dependents (except those under five years of age) are not eligible for sleeping berths obtainable only on first class flights."

(The following subparagraphs would require renumbering.)

i. Paragraph 6a(3), page 6: The last sentence seems to penalize the traveler unfairly.

j. Paragraph 6a(4), page 7: We suggest the word "authorizing" in lieu of the word "contemplating."

k. Paragraph 6a(5), page 7: What of a child under five, traveling alone? Presumably he should have a standard berth. We suggest that the last sentence read:

"One standard berth shall be allowed for each two children under five years of age, and for each child under five years of age traveling alone or with an older person who is not traveling at Government expense, but no berth shall be allowed for separate occupancy by one child under five years of age who is accompanied by an older person traveling at Government expense."

l. Paragraph 6b(1), page 7:

(1) Same point as in paragraph 6a(5). We suggest that the end of the first sentence read:

"... one standard lower berth shall be allowed for each two children under five years of age, and for each child under five years of age traveling alone or with an older person who is not traveling at Government expense, but no berth shall be allowed for separate occupancy by one child under five years of age who is accompanied by an older person traveling at Government expense."

(2) We question the propriety of requiring Agency employees to use upper berths when lower berths are not available. It is our understanding that paragraph 13 of the SCITs relating to train accommodations has been construed to authorize roomettes when lower berths are not available.

(3) We query the provision of subparagraph 3a and b that certification of certain facts by the traveler may be approved by the authorizing official, in which case the cost may be allowed. Surely the authorizing official is not in a position to verify the facts certified. In other instances it is not required that authorizing officials approve facts certified by the traveler. Further, as to subparagraph b, if security is involved, should not the traveler refuse to certify the facts? We suggest these subparagraphs read:

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"(a) When a lower berth is not available, and an upper berth is available which the traveler does not use because of illness, physical handicap, or incapacity, superior accommodations may be used at Government expense if the traveler certifies in his travel voucher the facts which necessitated the use of superior accommodations.

"(b) When required because of security or operational reasons, the use of a compartment or other accommodations will be authorized or approved. If the travel order does not authorize the use of such accommodations, they may be used at Government expense nevertheless if the traveler certifies the accommodations were required for operational or security reasons."

m. Paragraph 6b(2), page 8: The same certification is involved. For that purpose, and in order to simplify, we suggest the subparagraph read:

"One seat in a parlor or sleeping car may be allowed for each traveler regardless of age in each of the following instances:

"(a) when the travel is a continuous rail journey of more than two hours duration and is within the continental United States, and when the accommodation is actually used. For purposes of this subparagraph a stop for the purpose of changing trains shall not be considered an interruption of the journey.

"(b) when required because of security or operational reasons. If the travel order does not authorize use of such accommodations, they may be used at Government expense nevertheless if the traveler certifies the accommodations were required for operational or security reasons.

"(c) when the travel is outside the continental United States."

n. Paragraph 6c(1), page 9:

(1) In the quotation from the statute, the word "or" following the word "overseas" has been omitted.

(2) We suggest the following language following the quotation from the statute:

"The Agency and its personnel of course must comply with the provisions of this statute; however, the

Comptroller General has ruled that the statute does not require travel by means of American vessels in every instance. Thus, where routing designed to utilize an American vessel would involve considerable land travel or transportation on a foreign vessel for a part of the journey with a consequent transshipment to an American vessel, resulting in excessive excess costs and delay, foreign vessels furnishing direct transportation between the point of origin of travel and the port of destination may be used. However, mere inconvenience, reasonable delays and minor economies are not factors which will justify the use of foreign vessels in preference to American flag vessels."

o. Paragraph 6c(3)(b), page 10: We query whether the Comptroller General would support this provision. For example, would a traveler from Washington to an overseas post be justified in taking a foreign ship out of Baltimore, assuming no American ship is available in Baltimore, if American vessels are available out of New York?

p. Paragraph 6c(3)(d), page 10: We suggest that this provision be omitted. By specifying "meeting" the implication is made that only essential meetings justify travel by foreign ship. What of other essential appointments and assignments? The statute permits foreign vessels for an officer or employee where "the necessity of his mission" requires it. In any event the word "effective" should be omitted.

q. Paragraph 6c(6)(b) and (c), page 10:

(1) We query the use of "or above", "and above", etc.

(2) Since subparagraphs (b) and (c) provide first class accommodations for all employees except those below GS-11 (and equivalent military rank) traveling named American ships, it is unnecessary to make specific and separate provision, as (b) and (c) do, that all travelers of GS-12 and above, in the one case, and all of GS-11 and below, in the other, may use first class accommodations.

(3) Subparagraphs (b) and (c) are confused by use of different language to make the same point concerning certification.

(4) Subparagraph (c) fails to provide for the use of accommodations superior to lowest first class accommodations

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by persons (GS-11 and below) authorized to use lowest first class accommodations when they are not available. This situation is provided for in the case of GS-12s and above and in the case of GS-11s and below who are authorized to use cabin class accommodations on the four ships.

(5) Are persons traveling cabin class actually "entitled" to the cost of accommodations actually used, as provided in subparagraph (c), and if so, should not persons traveling first class be entitled to the cost of those accommodations?

(6) To meet these various points, we suggest that (b) and (c) be written as follows:

"(b) The lowest first class accommodations available at the time reservations are made shall be authorized for all Agency employees and their dependents, except that when Agency employees of the grade GS-11, or below, or of the military rank of 1st Lt. (USA), (USAF), or (USMC), or Lt. (j.g.) (USN),

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"(c) If the accommodations which may be authorized under subparagraph (b) are not available at the time reservations are made, the lowest class accommodations which are superior to the accommodations which may be

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authorized under subparagraph (b) and are available at the time reservations are made may be authorized and used. In such event the employee shall certify on his reimbursement voucher that the accommodations which could be authorized under subparagraph (b) were not available at the time the reservations were made and that the accommodations used were of the lowest superior class available at the time. If the traveler fails to make the certification, or if he obtains and uses accommodations of a class higher than that which may be authorized under subparagraph (b), only the cost of accommodations of the latter class shall be allowed."

r. Paragraph 6c(6)(e), page 12:

(a) Should the Regulation indicate when the actual expense basis should be applied and when the mileage?

(b) The first three lines appear unnecessary since the substance is repeated in the later subparagraphs.

(c) These subparagraphs could be simplified and shortened. For example, the first sentence of (1)(c) is unnecessary in view of (1)(a); subparagraph (1) under (1)(d) is unnecessary, since there is no (2); the first sentence of 2(g) is unnecessary since it has been stated elsewhere that travel of two or more persons (hence an employee and his dependents are included) together by private conveyance is advantageous to the Government, and that when travel by private conveyance is advantageous to the Government, the maximum of 7 cents generally shall be authorized; the subparagraphs are not well organized substantively.

(d) We suggest that the entire paragraph 6c(6)e, beginning at page 12, be rewritten as follows:

"(1) Actual Expense Basis

"(a) The use of a privately owned conveyance on an actual expense basis may be authorized or approved. In such instances payment to the traveler on an actual expense basis shall not exceed the cost of travel by common carrier including per diem (at the rate named in the travel order) in each case.

"(b) For travel on an actual expense basis the traveler will be entitled to reimbursement of the cost

of gasoline, oil, and feed of horses, and in addition thereto garage or hanger rent and stabling of horses, while officially detained en route, and bridge, ferry, and other tolls. Charges for repairs, depreciation, replacements, grease, alcohol, flushing crankcases, towage, and like speculative purposes will not be allowed.

"(2) Mileage Basis

"(a) The use of a privately owned conveyance on a mileage basis may be authorized or approved whenever it is determined that such mode of transportation is advantageous to the Government. It has been administratively determined that in cases where travel of two or more persons is involved, travel by privately owned conveyance is advantageous to the Government. Other travel by privately owned conveyance on a mileage basis may also be determined to be advantageous to the Government.

"(b) The use of a privately owned conveyance on a mileage basis may also be authorized on a mileage basis in other instances. In such instances payment to the traveler on a mileage basis in lieu of actual expenses shall not exceed the cost of travel by common carrier, including per diem in each case.

"(c) The maximum payment which may be authorized on a mileage basis in lieu of actual expenses shall be 7 cents per mile, in the case of an automobile or airplane, and 4 cents per mile, in the case of a motorcycle. In establishing mileage rates authorizing officials shall be guided by the following principles:

"(1) the maximum rate is not mandatory;

"(2) when travel is authorized on a mileage basis in accordance with a determination that such mode of transportation is advantageous to the Government, the maximum rate shall generally be authorized;

"(3) when travel is authorized on a mileage basis for the convenience of the employee a maximum rate of 5 cents per mile (for automobiles and airplanes) generally shall be authorized;

"(4) all factors which bear on a fair and equitable mileage basis shall be considered.

"(d) If more than one employee travel in the same vehicle on the same trip, payment on a mileage basis in lieu of actual expenses shall be authorized for only one employee. No deduction shall be made from the mileage otherwise payable to him by reason of the fact that another passenger contributes in defraying the operating expenses. The employee to whom mileage payments is authorized shall include in his travel voucher the names of other passengers who are Government employees and the names of their agencies or departments.

"(e) When payment on a mileage basis in lieu of actual expenses is authorized, the actual cost of ferry fares and bridge, road and tunnel tolls shall also be authorized. No other actual costs shall be authorized.

"(f) Mileage for automobiles or motorcycles may be allowed from whatever point the traveler begins his trip. Distances between points shall be as shown in standard highway mileage guides or by speedometer readings. Any substantial differences between speedometer readings and distances shown in standard highway guides shall be explained in the travel voucher. Speedometer readings will not be required when the distances traveled can be verified by standard highway mileage guides. However, speedometer readings must be shown for areas which cannot be verified by such guides. In case the speedometer is broken, the mileage may be estimated and the following statement of justification included on the travel voucher:

"I certify that the speedometer was out of order, that I was unable to get it repaired prior to travel time, and that the mileage claimed was estimated according to common knowledge of the distance traveled."

"(g) When travel is authorized and performed by a privately owned airplane, mileage will be allowed from whatever point the traveler begins his trip. Geographical locations, dates, and times of each takeoff and landing must be shown in the travel voucher. Mileage is determined by multiplying the actual elapsed time in the air by the rated cruising speed of the particular airplane. Any unusual conditions or circumstances which influence the elapsed time in the air must be explained in the travel voucher."

s. Paragraph 6c(6)g(3), page 15: In keeping with the provisions of paragraph 11-c of the SOTs, we suggest that lines 3 and 4 be revised to read:

"Government employees, shall be allowed in the absence of a satisfactory showing that the hire was not induced because of such personal or official relationship; or that in cases where the conveyance is furnished by a member of the family, that such member was not dependent upon the traveler for support."

t. Paragraphs 8 and 9, pages 17 and 18: We suggest that in accordance with the provisions of paragraph 8C of the SOTs, claims for reimbursement of miscellaneous expenses be supported by receipts whenever practicable. It is therefore suggested that these paragraphs be combined to indicate such a requirement.

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